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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOS SOUROVELIS, DOILA WELCH,  
and NORYS HERNANDEZ, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

vs.

CITY OF PHILADELPHIA; MICHAEL A.  
NUTTER, in his official capacity as Mayor of  
Philadelphia; PHILADELPHIA DISTRICT  
ATTORNEY'S OFFICE; R. SETH  
WILLIAMS, in his official capacity as District  
Attorney of Philadelphia; and CHARLES H.  
RAMSEY, in his official capacity as  
Commissioner of the Philadelphia Police  
Department;

Defendants.

**NOTICE OF  
CONSTITUTIONAL QUESTION**

Civil Action No. **14 4687**

Pursuant to Federal Rule of Civil Procedure 5.1 and 28 U.S.C. § 2403(b), Plaintiffs Christos Sourovelis, Doila Welch, and Norys Hernandez ("Named Plaintiffs"), on behalf of themselves and all others similarly situated, file this Notice of Constitutional Question to inform the Pennsylvania Attorney General of the following:

1. On August 11, 2014, Named Plaintiffs filed a class-action complaint against the City of Philadelphia and its law-enforcement agencies and officials ("Defendants") challenging their civil-forfeiture policies and practices as a violation of due process under the Fourteenth Amendment to the U.S. Constitution. Named Plaintiffs seek primarily declaratory and injunctive relief on behalf of a putative class of all persons who own property that is or will be the subject of a civil-forfeiture action brought by the Philadelphia District Attorney's Office.

2. In addition, Plaintiffs' Complaint also challenges provisions of Pennsylvania's Controlled Substances Forfeiture Act, 42 Pa. Cons. Stat. §§ 6801 and 6802, as these provisions

have been applied by Defendants in the above-captioned action.

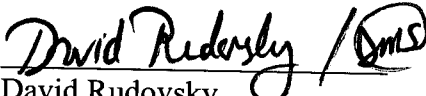
3. Specifically, Plaintiffs are challenging as unconstitutional under the Due Process Clause of the Fourteenth Amendment, the following provisions:

- a. 42 Pa. Cons. Stat. § 6802(f) and (g), as applied to real property to the extent these provisions authorize *ex parte* seizure of real property, without notice or a pre-deprivation opportunity to contest the seizure;
- b. 42 Pa. Cons. Stat. § 6801(b) as applied to real property to the extent it allows the seizure of real property without fair judicial process;
- c. 42 Pa. Cons. Stat. §§ 6801 and 6802 as applied to the extent these provisions fail to provide for a prompt post-deprivation hearing for any property; and
- d. 42 Pa. Const. Stat. § 6801(e)-(h) as applied to the extent they create an impermissible conflict of interest that denies individuals the fair and impartial administration of justice.

4. Plaintiffs will serve this Notice of Constitutional Question and the Complaint on the Pennsylvania Attorney General by certified mail.

Dated: August 11, 2014

Respectfully submitted,

By:   
David Rudovsky

**INSTITUTE FOR JUSTICE**  
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Scott G. Bullock\*  
Darpana M. Sheth\*  
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*\*Pro Hac Vice* applications to be submitted.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of August, 2014, a true and correct copy of the NOTICE OF CONSTITUTIONAL QUESTION was served in person by a process server upon the following:

City of Philadelphia  
c/o Craig Straw, Chief Deputy City Solicitor  
Philadelphia Law Department  
1515 Arch Street  
Philadelphia, PA 19102

Michael A. Nutter  
Mayor of Philadelphia  
c/o Craig Straw, Chief Deputy City Solicitor  
Philadelphia Law Department  
1515 Arch Street  
Philadelphia, PA 19102

Philadelphia District Attorney's Office  
3 South Penn Square  
Corner of Juniper and South Penn Square  
Philadelphia, PA 19107

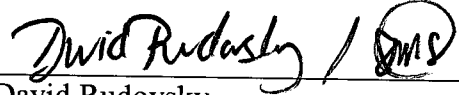
R. Seth Williams,  
District Attorney  
3 South Penn Square  
Corner of Juniper and South Penn Square  
Philadelphia, PA 19107

Charles H. Ramsey  
Commissioner of the Philadelphia Police Department  
c/o Craig Straw, Chief Deputy City Solicitor  
Philadelphia Law Department  
1515 Arch Street  
Philadelphia, PA 19102

I further CERTIFY that a true and correct copy of the NOTICE OF CONSTITUTIONAL QUESTION was served by both electronic mail and U.S. Certified Mail/Return Receipt

Requested to:

The Honorable Kathleen G. Kane,  
Pennsylvania Attorney General  
Office of the Attorney General  
16th Floor, Strawberry Square  
Harrisburg, PA 17120

  
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David Rudovsky  
*Local counsel for Plaintiffs*